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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,368

08/27/2003

Ian Popken

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4737

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7590

11/14/2005

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BOSTON, MA 02109

EXAMINER

SAN MARTIN, EDGARDO

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,368	Applicant(s) POPKEN ET AL.	
	Examiner Edgardo San Martin	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 5, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Anagnos (US 5,726,395).

With respect to claim 1, Anagnos teaches a speaker mounting assembly comprising a frame member (Fig.3, Item 15) having a front surface, a rear surface and a first plurality of openings extending through the frame member from the front surface to the rear surface; a baffle member (Fig.3, Item 20) securable to the frame member, the baffle member having a second plurality of openings, the second plurality of openings of the baffle member being oriented to coaxially align with the first plurality of openings of the frame member when the baffle member is secured to the frame member (Fig.3); a plurality of vibration dampening members (Fig.3, Item 36) formed of an acoustic dampening material, the plurality of vibration dampening members secured within one of the first and second plurality of openings, the vibration dampening members having an opening extending therethrough; and a plurality of fasteners (Fig.3, Item 31) for securing the baffle member to the frame member, the plurality of fasteners extending through the openings in respective ones of the vibration dampening members and abutting one of the frame member and the baffle member and the vibration dampening

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members, the fasteners in non-contacting relation with the other one of the frame member and the baffle member (Fig.3; Col.4, Line 35 – Col.7, Line 36).

With respect to claim 2, Anagnos teaches wherein each one of the plurality of vibration dampening members is generally grommet shaped (Fig.3, Item 36; Col.4, Line 60+).

With respect to claims 3 – 5, Anagnos teaches further including integrally formed vibration dampening gasket (Fig.3, Item 42), wherein the vibration dampening members are integrally formed portions the vibration dampening gasket, vibration dampening gasket comprises a thermo plastic rubber; and wherein the vibration dampening gasket is between 20 and 30 durometer (Fig.3, Item 42; Col.6, Lines 30 – 47).

With respect to claim 9, Anagnos teaches wherein each vibration dampening member has an interior surface defining the opening through the respective member and each member further includes a plurality of ridges extending from the interior surface and generally along the length of the opening to center a fastener extending through the respective vibration dampening member opening (Fig.3, 5(A), 5(B), 6(A) and 6(B)).

With respect to claim 10, Anagnos teaches further including at least one loudspeaker mounted to the system (Fig.1, Items 11 – 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anagnos (US 5,726,395) in view of Wecke et al. (US 5,361,925).

Anagnos teaches the limitations discussed in a previous rejection, but fail to disclose the limitations described in the abovementioned claims.

Regarding claim 6, Wecke et al. teach a structure comprising a baffle (Fig.1, Item 2) and a frame (Fig.1, Item 1) wherein the baffle has a front surface and a rear surface opposing the front surface, and the plurality of openings (Fig.1, Items 4) in the baffle comprise stepped openings (Figs.6 and 7), the stepped openings having a first portion (Fig.7, Item 4a) of a first diameter adjacent the front surface of the baffle and a second portion (Fig.7, Item 4b) of a second diameter adjacent the rear surface of the baffle wherein the first diameter is greater than the second diameter, the openings including a shoulder (Fig.7, Item 6) where the first portion meets the second portion.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Wecke et al. configuration with the Anagnos design because the stepped openings configuration would allow a simplified insertion and removal of the fasteners into and from the stepped openings of the baffle, in

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addition, the stepped openings, in combination with the fasteners, would provide a secure attachment of the baffle to the frame.

With respect to claim 7, the obvious combination of Anagnos (US 5,726,395) and Wecke et al. teach wherein the vibration dampening members have a front lip, a rear portion and a central portion joining the front lip and the rear portion (Anagnos: Fig.3), and wherein the vibration dampening members are disposed in the plurality of openings of the baffle with the front lip of the vibration dampening member abutting the shoulder and the rear portion abutting the rear surface of the baffle (Anagnos: Fig.3, and Wecke et al.: Fig.7).

With respect to claim 8, Wecke et al. teach at least one ramp and at least one detent adjacent, thereto extending from the rear surface of the frame and adjacent each of the first plurality of openings (Fig.7); the fasteners each including a knob portion (Fig.7, Item 7); a shaft portion (Fig.7, Item 20) extending from the knob portion and having an opening therethrough; and a roll pin (Fig.7, item 7) extending through the opening in the shaft portion; the shaft portion of each of the fasteners disposed in and extending through respective openings of a vibration dampening member (Fig.7, Item 5), the fastener being rotatable within the openings of the vibration dampening members such that the respective roll pin slides on the corresponding ramp in response to rotation of the respective fastener and engages the respective detent to secure the baffle to the frame (Figs. 6 and 7; Col.3, Lines 12 – 64).

Conclusion

3. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martin
Primary Examiner
Art Unit 2837
Class 181
November 9, 2005